

P26619.A03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas A. COHEN et al.

Certificate of Correction Branch

Patent No. : 6,076,094

Issued : June 13, 2000

Appln. No. : 09/316,164

Filed : May 21, 1999

For : DISTRIBUTED DATABASE SYSTEM AND DATABASE RECEIVER
THEREFOR

CERTIFICATE OF CORRECTION TRANSMITTAL LETTER

Commissioner For Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Certificate
MAR 07 2005
of Correction

Sir:

Pursuant to M.P.E.P. §§ 201.16 and 1481, 37 C.F.R. § 1.323 and 35 U.S.C. §§ 254 and 255, Patentee hereby requests that the above-referenced patent be corrected as proposed on the attached Request and proposed Certificate of Correction. The proposed corrections are believed to be minor in character, and do not require reexamination of the patent. Further, the changes requested in the Certificate of Correction did not result from bad faith, and did not occur through deceptive intent.

The corrections are:

1. Correction of the Related U.S. Application Data on the cover page.

The 6,076,094 patent (hereinafter "the '094 patent") is clearly entitled to the priority of PCT/AU93/00607 as indicated in the attached proposed Certificate of Correction. Patentee notes

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that all requirements under 37 C.F.R. § 1.78(a)(1) have been met in the application which matured into the '094 patent. Also, it is clear from the record of the patent and its parent applications that priority is appropriate.

All of the applications in the chain of applications/patents of the '094 patent have been filed using the same executed Declaration including the same two inventors and the indication that they are the inventors of DISTRIBUTED DATABASE SYSTEM AND DATABASE RECEIVER THEREFOR, the specification of which was filed on November 26, 1993 as International Application No. PCT/AU93/00607.

Moreover, the Divisional Patent Application Transmittal Filing Under 37 C.F.R. § 1.53(b) filed with the application that matured into the '094 patent indicates a chain of applications including reference to the International Application (including an error in the International Application No. that was apparently copied from the cover page of Patent No. 5,737,595 (hereinafter "the '595 patent") for which a Certificate of Correction is being filed on even date herewith).

Patentee notes that the specification was amended in the Reply To Office Action Mailed September 20, 1999, filed January 20, 2000 by Certificate of Mailing and received by the Patent and Trademark Office on January 24, 2000, in response to the Examiner's indication that the first sentence of the specification must contain the specific reference to the prior application(s). The insertion to the specification included reference to a chain of applications/patents including the '595 patent (which by statute, i.e., 35 U.S.C. § 363 has a filing date of November 26, 1993 which is also being clarified in the Certificate of Correction), but did not include reference to the

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International Application.

Patentee notes that the chain of applications/patents is readily evident from a review of the file history and its parent file histories, and is also readily evident to any one viewing the parent patents. For example parent Patent No. 5,999,934 includes on its cover page that it is a continuation of Application No. 08/436,336, filed as Application No. PCT/AU93/00607, November 26, 1993.

2. Correction of the Foreign Application Priority Data on the cover page.

The '094 patent is clearly entitled to the priority under 35 U.S.C. 119(a)-(d) and (f) of Australian Patent Application Nos. PL6080, PM0549, PM0742, PM1570, PM1571 and PM1621 as indicated in the attached proposed Certificate of Correction. Patentee submits that it should be considered that all requirements of 35 U.S.C. 119(a)-(d) have been satisfied in the parent application prior to issuance of the patent and the requirements under 37 C.F.R. § 1.55 should be considered to have been met.

As noted in 1. above, each application in the chain of applications/patents of the '094 patent have been filed using the same executed Declaration including the same two inventors and the indication that they are the inventors of DISTRIBUTED DATABASE SYSTEM AND DATABASE RECEIVER THEREFOR, the specification of which was filed on November 26, 1993 as International Application No. PCT/AU93/00607. Moreover, this executed Declaration lists each of the Australian Patent Applications, including its Application No., country of filing, and filing date, and states that priority is claimed.

Patentee notes that the Notice of Allowability mailed February 14, 2000 acknowledged the claim of priority, but indicated that none of the certified copies had been received. However, this form should have indicated that all of the certified copies had been received in parent Application No. 08/436,336, and Patentee specifically confirms that the certified copies have been filed in parent Application No. 08/436,336.

3. Correction of the related application data in column 1 of the specification.

These changes correspond to the changes listed in No. 1 above.

Patentee notes that the '094 patent is presently involved in litigation, and an appeal has been filed with the United States Court of Appeals for the Federal Circuit (hereinafter "CAFC") styled as Broadcast Innovation, L.L.C. and IO Research Pty, Ltd v. Charter Communications, Inc. and Comcast Corporation, Appeal No. 05-1008, appealing decisions of the United States District Court for the District of Colorado, in Civil Action No. 03-WY-2223-AJ (BNB) and Civil Action No. 01-WY-2201-AJ (BNB). A copy of Appellant's Brief to the CAFC is enclosed.

Patentee further notes that Summary Judgment of Invalidity of the '094 patent has been issued by the district court, and this decision of invalidity is being appealed in the above-noted appeal to the CAFC. Among the issues to be decided in the appeal is whether the district court erred in concluding, as a matter of law, that the patent-in-suit is invalidated by its related 1993 PCT application based on an analysis under 35 U.S.C. § 120 and 37 C.F.R. § 1.78. Patentee notes the district court's interpretation of 37 C.F.R. § 1.78(a)(2) in effect at the time required a reference to the PCT application and its filing date be included in the sentence at the beginning of the specification. (Appeal Brief, page 9, lines 1-8). However, Patentee is maintaining in the

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appeal that such decision is erroneous, including amongst other reasons, that the '094 patent claims priority to the national stage '595 patent in the first sentence of the specification, and the '595 patent has a November 26, 1993 filing date, it cannot, as a matter of law, be invalidated by the PCT application of the same date. (Appeal Brief, page 19, first full paragraph).

Patentee has requested that the CAFC reverse the District Court's holding of invalidity on the belief that the 35 U.S.C. § 120 priority information is appropriate in the '094 patent. Thus, as a matter of right, the '094 matter should be considered to have an effective filing date of the '595 patent. Therefore, while not necessary, a Certificate of Correction is being filed out of an abundance of caution, and should not in any way be taken as an admission that the '094 patent should not be considered to have an effective filing date of November 26, 1993 of the '595 patent.

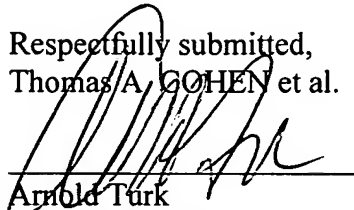
From the above, Patentee submits that the changes requested in the proposed Certificate of Correction are clearly disclosed in the records of the Patent and Trademark Office such that a fee should not be necessary. However, to advance handling of the Certificate of Correction, the fee set forth in 37 C.F.R. § 1.20(a) of \$100.00 is being submitted herewith. Please charge any additional fee that may be required to Deposit Account No. 19-0089.

Patentee further notes that Requests for Certificate of Correction are being filed on even date herewith in parent U.S. Patent Nos. 5,737,595 and 5,999,934.

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Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Thomas A. COHEN et al.

A handwritten signature in dark ink, appearing to read "Arnold Turk", is written over a horizontal line.

Arnold Turk
Reg. No. 33,094

March 2, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

MAR 17 2005

P26619.A02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas A. COHEN et al.

Certificate of Correction Branch

Patent No. : 6,076,094

Issued : June 13, 2000

Appln. No. : 09/316,164

Filed : May 21, 1999

For : DISTRIBUTED DATABASE SYSTEM AND DATABASE RECEIVER
THEREFOR

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner For Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Please find attached a proposed Certificate of Correction.

Please correct the following error appearing in the printed patent, per the attached Certificate of Correction.

On the cover of the printed patent, at Item [62], Related U.S Application Data, "Jul. 18, 1995, Pat. No. 5, 737, 595" should be ---filed as application No. PCT/AU93/00607, Nov. 26, 1993, now Pat. No. 5, 737, 595---.

Please see the Certificate of Correction Transmittal Letter currently submitted herewith, Correction No. 1, for a discussion of this error.

P26619.A02

On the cover of the printed patent, the following Foreign Application Priority Data is omitted and should be included, as follows:

---[30] **Foreign Application Priority Data**

Nov. 27, 1992 [AU]	PL6080
Aug. 13, 1993 [AU]	PM0549
Aug. 20, 1993 [AU]	PM0742
Sep. 30, 1993 [AU]	PM1570
Sep. 30, 1993 [AU]	PM1571
Oct. 01, 1993 [AU]	PM1621---

Please see the Certificate of Correction Transmittal Letter currently submitted herewith, Correction No. 2, for a discussion of this error.

At column 1, lines 7-8 of the printed patent, "filed Jul. 18, 1995, now patented as U.S. Pat. No. 5,737,595." should be --- which is a 371 of PCT/AU93/00607 filed Nov. 26, 1993, now U.S. Pat. No. 5,737,595.---

Please see the Certificate of Correction Transmittal Letter currently submitted herewith, Correction No. 3, for a discussion of this error.

Therefore, it is respectfully requested that a Certificate of Correction issue in the above-identified patent as follows:

On the cover of the printed patent, at Item [62], Related U.S Application Data, "Jul. 18, 1995, Pat. No. 5, 737, 595" should be ---filed as application No. PCT/AU93/00607, Nov. 26, 1993, now Pat. No. 5, 737, 595---

P26619.A02

On the cover of the printed patent, the following Foreign Application Priority Data is omitted and should be included, as follows:

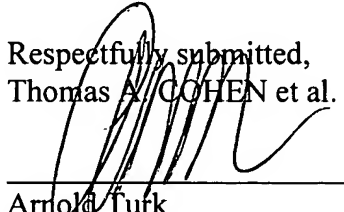
---[30] Foreign Application Priority Data

Nov. 27, 1992 [AU]	PL6080
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Sep. 30, 1993 [AU]	PM1571
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Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Thomas A. COHEN et al.



Arnold Turk
Reg. No. 33,094

March 2, 2005
GREENBLUM & BERNSTEIN, P.L.C.
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Reston, VA 20191
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,076,094
DATED : June 13, 2000
INVENTOR(S) : Thomas A. COHEN et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover of the printed patent, at Item [62], Related U.S. Application Data, "Jul. 18, 1995, Pat. No. 5, 737, 595" should be ---filed as application No. PCT/AU93/00607, Nov. 26, 1993, now Pat. No. 5, 737, 595---.

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On the cover of the printed patent, the following Foreign Application Priority Data is omitted and should be included, as follows:

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Nov.27,1992[AU]	PL6080
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Sep.30,1993[AU]	PM1571
Oct.01,1993[AU]	PM1621---

At column 1, lines 7-8 of the printed patent, "filed Jul. 18,1995, now patented as U.S. Pat. No. 5,737,595." should be ---which is a 371 of PCT/AU93/00607 filed Nov. 26, 1993, now U.S. Pat. No. 5,737,595---.

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PATENT NO. 6,076,094

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